

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS

REPUBLIC TECHNOLOGIES (NA), LLC,  
and SREAM, INC.,

Case Number: 19-cv-7982

Plaintiffs,

Judge Thomas M. Durkin

v.

MOKENA TOBACCO, INC. d/b/a  
TOTALLY TOBACCO and RAYYAN  
JAMIL HILAL,

Defendant.

**JUDGMENT ORDER**

This matter coming before the Court on Plaintiffs' Motion for Entry of Default Judgment under Rule 55(b), and after considering the prove-up materials and memorandum submitted by movant, the Court hereby finds, and it is ORDERED:

1. This matter was filed on December 5, 2019.
2. Defendant MOKENA TOBACCO, INC. d/b/a TOTALLY TOBACCO was served on May 29, 2020 (Dkt. 19), with an answer due. June 19, 2020.
3. Defendant RAYYAN JAMIL HILAL was dismissed, without prejudice, on April 13, 2020 (Dkt. 12).
4. Plaintiffs have sought entry of default judgment and filed prove-up materials and a memorandum of law.
5. In counterfeit trademark cases, the balance in setting statutory damages is providing some measure of compensation and deterrence, without crossing the line into over-deterrence. Relevant considerations include the nature and price of the product; the volume of

sales (or an estimate depending on the size of the offending retail operation); any safety and health risks of the counterfeit goods; and the strength of the mark. See, e.g., *Republic Technologies (NA) LLC v. Smoke Shop for You XX, Inc.* 19 C 8462 (N.D. Ill. 2020) (Chang, J.).

6. Additionally, as the court in *Smoke Shop for You XX, Inc.*, concluded, “there actually is some health concern with counterfeit products that are designed to convey vapors into the body.” *Id.*

7. The amount sought by Plaintiffs is consistent with other statutory damage awards made by judges in this District. See, e.g., *Republic and Sream v. Smoke Shop For You XX, Inc.* (19-cv-08462) (Chang, J.) (awarding \$30,000 in statutory damages); *Roor and Sream v. Smoker’s Zone.* (19-cv-05014) (Lee, J.) (\$30,000 in statutory damages); *Roor and Sream v. Lakeview Smoke and Vape, Inc.* (19-cv-06489).

8. Accordingly, the Court awards \$30,000.00 in statutory damages, and enters judgment in that amount.

9. A separate AO-450 judgment shall be entered.

Judgment is entered in favor of REPUBLIC TECHNOLOGIES (NA), LLC, and SREAM, INC and against MOKENA TOBACCO, INC. in the amount of \$30,400.00.

ENTERED:



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Hon. Thomas M. Durkin  
United States District Judge

Dated: 12/7/2020